

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed September 30, 2008. At the time of the Office Action, Claims 37-76 were pending in this Application. Claims 56-74 and 76 were rejected. Claims 56-61, 67, 69-71, and 76 have been amended to further define various features of Applicants' invention. Claims 1-55, 62-66, 68, 72-75 have been cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Objections under 37 CFR 1.75(c)

Claims 57-59, 61-64, 67-68 and 72-74 were objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants amend Claims 57-59, 61-64, 67 and deleted Claims 68 and 72-74 to overcome these rejections and respectfully request full allowance of Claims 57-59, 61-64, 67 as amended.

Rejections under 35 U.S.C. § 112

Claims 56-74 and 76 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. Applicants amend Claims 56-61, 67, 69-71, and 76 to overcome these rejections and respectfully request full allowance of Claims 56-61, 67, 69-71, and 76 as amended.

Rejections under 35 U.S.C. § 101

Claims 56-74 and 76 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. Applicants amend Claims 56-61, 67, 69-71, and 76 to overcome these rejections and respectfully request full allowance of Claims 56-61, 67, 69-71, and 76 as amended.

Rejections under 35 U.S.C. §103

Claims 56-74 and 76 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,175,871 issued to Guido M. Schuster et al. ("*Schuster*") in view of

“Generic Erasure Protection With In-Band Signaling of Protection Profiles,” (hereafter referred to as “*AVD-2060*”) and “A Transport Protocol for Real-Time Applications,” by H. Schulzrinne et al. (“*Schulzrinne*”).

Claims 56-74 and 76 [I spoke to the Examiner regarding the misprint in the office action] were rejected under 35 U.S.C. §103(a) as being unpatentable over *AVD-2060* in view of *Schuster* and *Schulzrinne*.

Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int’l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

The rejection under 35 U.S.C. §103(a) is respectfully traversed because of the clarified amended set of claims filed. The now specify that the data block comprises transmission packets, each transmission packet having one of two headers and a data packet, **the two headers being alternated between the transmission packets within the data block**, wherein **the first header of the two headers comprises a sequential number of the transmission packet and an identifier determining a position of the transmission packet within the data block**, and **the second header of the two headers comprises the sequential number of the transmission packet and a width of the data block**. As

explained in the previous response, *AVD-2060* fails to teach these alternating identifiers in the headers of transmission packages and therefore one of ordinary skill in the art would not arrive at the subject matter of the independent claims 56 and 76.

Since *AVD-2060* fails to teach that the data block comprises transmission packets, each transmission packet having one of two headers and a data packet, the two headers being alternated between the transmission packets within the data block, wherein the first header of the two headers comprises a sequential number of the transmission packet and an identifier determining a position of the transmission packet within the data block, and the second header of the two headers comprises the sequential number of the transmission packet and a width of the data block, it is respectfully requested that the rejection under 35 U.S.C. §103(a) is withdrawn. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants

A handwritten signature in black ink, appearing to read 'A. Grubert', with a stylized, flowing script.

Andreas H. Grubert
Registration No. 59,143

Date: November 24, 2008

SEND CORRESPONDENCE TO:

BAKER BOTTS L.L.P.

CUSTOMER ACCOUNT NO. **31625**

512.322.2545

512.322.8383 (fax)